

## Department of Defense

237.7303

2. FAR 52.203-3, Gratuities.
3. FAR 52.203-5, Covenant Against Contingent Fees.
4. FAR 52.204-1, Approval of Contract, if required by department/agency procedures.
5. FAR 52.215-2, Audit and Records—Negotiation.
6. FAR 52.215-8, Order of Precedence—Uniform Contract Format.
7. Conflicts Between Agreement and Catalog. Insert the following clause:

### CONFLICTS BETWEEN AGREEMENT AND CATALOG

If there is any inconsistency between this agreement and any catalog or other document incorporated in this agreement by reference or any of the Contractor's rules and regulations, the provisions of this agreement shall govern.

8. FAR 52.222-3, Convict Labor.
9. Under FAR 22.802, FAR 22.807, and FAR 22.810, use the appropriate clause from FAR 52.222-26, Equal Opportunity.
10. FAR 52.233-1, Disputes.
11. Assignment of Claims. Insert the following clause:

### ASSIGNMENT OF CLAIMS

No claim under this agreement shall be assigned.

12. FAR 52.252-4, Alterations in Contract, if required by department/agency procedures.

### SIGNATURE PAGE

Agreement No. \_\_\_\_\_  
Date \_\_\_\_\_  
The United States of America  
By: \_\_\_\_\_  
(Contracting Officer)  
Activity \_\_\_\_\_  
Location \_\_\_\_\_  
(Name of Contractor)  
By: \_\_\_\_\_  
(Title) \_\_\_\_\_

[56 FR 36424, July 31, 1991, as amended at 60 FR 61599, Nov. 30, 1995; 63 FR 55052, Oct. 14, 1998; 64 FR 49684, Sept. 14, 1999; 64 FR 53447, Oct. 1, 1999]

## Subpart 237.73—Services of Students at Research and Development Laboratories

### 237.7300 Scope.

This subpart prescribes procedures for acquisition of temporary or intermittent services of students at institutions of higher learning for the purpose of providing technical support at Defense research and development laboratories (10 U.S.C. 2360).

### 237.7301 Definitions.

As used in this subpart—

(a) *Institution of higher learning* means any public or private post-secondary school, junior college, college, university, or other degree granting educational institution that—

(1) Is located in the United States or its outlying areas;

(2) Has an accredited education program approved by an appropriate accrediting body; and

(3) Offers a program of study at any level beyond high school.

(b) *Nonprofit organization* means any organization described by section 501(c)(3) of title 26 of the U.S.C. which is exempt from taxation under section 501(a) of title 26.

(c) *Student* means an individual enrolled (or accepted for enrollment) at an institution of higher learning before the term of the student technical support contract. The individual shall remain in good standing in a curriculum designed to lead to the granting of a recognized degree, during the term of the contract.

(d) *Technical support* means any scientific or engineering work in support of the mission of the DoD laboratory involved. It does not include administrative or clerical services.

[56 FR 36424, July 31, 1991, as amended at 70 FR 35545, June 21, 2005]

### 237.7302 General.

Generally, agencies will acquire services of students at institutions of higher learning by contract between a nonprofit organization employing the student and the Government. When it is in the best interest of the Government, contracts may be made directly with students. These services are not subject to the requirements of FAR part 19, FAR 13.003(b)(1), or DFARS part 219. Award authority for these contracts is 10 U.S.C. 2304(a)(1) and 10 U.S.C. 2360.

[56 FR 36424, July 31, 1991, as amended at 60 FR 29500, June 5, 1995; 64 FR 2598, Jan. 15, 1999]

### 237.7303 Contract clauses.

Contracts made directly with students are nonpersonal service contracts but shall include the clauses at FAR 52.232-3, Payments Under Personal

## **237.7400**

Services Contracts, and FAR 52.249-12, Termination (Personal Services).

### **Subpart 237.74—Services at Installations Being Closed**

SOURCE: 59 FR 36089, July 15, 1994, unless otherwise noted.

#### **237.7400 Scope.**

This subpart prescribes procedures for contracting, through use of other than full and open competition, with local governments for police, fire protection, airfield operation, or other community services at military installations to be closed under the Defense Authorization Amendments and Base Closure and Realignment Act (Pub. L. 100-526), as amended, and the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510), as amended.

[59 FR 36089, July 15, 1994, as amended at 60 FR 29500, June 5, 1995]

#### **237.7401 Policy.**

The authority in 206.302-5(b)(ii) to contract with local governments—

(a) May be exercised without regard to the provisions of 10 U.S.C. Chapter 146, Contracting for Performance of Civilian Commercial or Industrial Type Functions;

(b) May not be exercised earlier than 180 days before the date the installation is scheduled to be closed;

(c) Requires a determination by the head of the contracting activity that the services being acquired under contract with the local government are in the best interests of the Department of Defense.

(d) Includes the requirement of subpart 222.71, Right of First Refusal of Employment, unless it conflicts with the local government's civil service selection procedures.

[59 FR 36089, July 15, 1994, as amended at 60 FR 29500, June 5, 1995]

#### **237.7402 Contract clause.**

Use the clause at 252.237-7022, Services at Installations Being Closed, in solicitations and contracts based upon the authority of this subpart.

[59 FR 36089, July 15, 1994, as amended at 60 FR 29500, June 5, 1995]

## **48 CFR Ch. 2 (10-1-05 Edition)**

### **PART 239—ACQUISITION OF INFORMATION TECHNOLOGY**

#### **Subpart 239.1—General**

Sec.

239.101 Policy.

#### **Subpart 239.70—Exchange or Sale of Information Technology (IT)**

239.7000 Scope of subpart.

239.7001 Policy.

239.7002 Conditions for using exchange/sale.

239.7003 Procedures.

#### **Subpart 239.71—Security and Privacy for Computer Systems**

239.7100 Scope of subpart.

239.7101 Definition.

239.7102 Policy and responsibilities.

239.7102-1 General.

239.7102-2 Compromising emanations—TEM-PEST or other standard.

239.7103 Contract clause.

#### **Subpart 239.72—Standards**

239.7200 Scope of subpart.

239.7201 [Reserved]

239.7202 Waivers.

#### **Subpart 239.73—Acquisition of Automatic Data Processing Equipment by DoD Contractors**

239.7300 Scope of subpart.

239.7301 Applicability.

239.7302 Approvals and screening.

239.7303 Contractor documentation.

#### **Subpart 239.74—Telecommunications Services**

239.7400 Scope.

239.7401 Definitions.

239.7402 Policy.

239.7403 Regulatory bodies.

239.7404 Foreign carriers.

239.7405 Multiyear contracting authority for telecommunications resources.

239.7406 Cost or pricing data and information other than cost or pricing data.

239.7407-1 General.

239.7407-2 Communication service authorizations (CSAs).

239.7408 Special construction.

239.7408-1 General.

239.7408-2 Applicability of construction labor standards for special construction.

239.7409 Special assembly.

239.7410 Cancellation and termination.

239.7411 Contract clauses.